



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 039145453N et al. (1 Summons) DEPT OF BUILDINGS, -against- 16 Christopher Street LLC Hearing Date: 01/05/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$2,500.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039145453N	Sustained	04/18/2025	18 GAY STREET Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B102	28-301.1	Sustained	\$2,500.00

Findings of Fact & Conclusions of Law

A hearing was held telephonically on January 5, 2026 in connection with summons number 039145453N ("the summons") which was issued based on the failure to maintain the building at the premises in a code compliant manner.

Representative Cassie Rene appeared on behalf of the Petitioner.

Attorney Frank Tamberino appeared on behalf of the Respondent.

The Petitioner submitted an evidence package consisting of photos of the cited conditions, the summons, and the affirmation of service.

The Petitioner indicated that there has been no compliance and recommended the assessment of a standard penalty.

The Respondent made a motion to dismiss the summons contending that the applicable law only requires buildings that exceed 6 stories to be fireproofed, and that its building is only 4 stories. In support of dismissal, the Respondent submitted evidence consisting of information regarding the amount of stories at the building and also relied upon Article 4, Title 1, Section 101 of the N.Y.S. Multiple Dwelling Law.

Judicial notice shall be taken of the N.Y.S. Multiple Dwelling Law.

The documents submitted by the respective parties at the hearing bear relevancy to the summons and accordingly shall be admitted into the record.

The summons was not just issued based on the lack of fire protection, i.e. missed fire stoppings at the ceilings at the premises, but also due to the observation of exposed floor joints and inadequate repair to joists at cellar on the 1st, 2nd and 3rd floors. As such, while I will credit the Respondent that N.Y.S. Multiple Dwelling Law would not apply to its building as it only consists of 4 stories, this would only relate to one of the three bases for which the instant summons was issued. Therefore, the summons which was issued in part due to the failure to maintain the building in a code compliant manner resulting from the observation of exposed floor joints and inadequate repair to joists at the cellar on the 1st, 2nd and 3rd floors of the premises shall be sustained.

Since the summons shall be sustained, the standard applicable penalty shall be imposed.

April Forbes

01/05/2026

01/05/2026

April Forbes, Judicial Hearing Officer

Date